

REMARKS

The present Amendment is in response to the Office Action dated January 3, 2005 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by April 3, 2005. Filed concurrently herewith is a request for a two-month extension of time so that the present Amendment is due by June 3, 2005.

In that Office Action, claims 1-30 were presented. Of these, applicant notes that claims 1-3, 7, 8, 10-13, 17, 18, and 20-22 are rejected while claims 4-6, 9, 14-16 and 19 are objected to and claims 23-30 are withdrawn from consideration. Specifically, claims 1, 7, 10, 11, 17, 20 and 21 were rejected as anticipated by U.S. Patent No. 6,039,524 to McKinlay under 35 U.S.C. 102(b). Claims 1-3, 7, 10-13, 17, and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,742,702 by Swertz. Claims 1, 7, 8, 11, 17 and 18 were rejected as anticipated by U.S. Patent No. 4,352,614 by Hirsch under 35 U.S.C. 102(b). Claims 1-3, 10-13, and 20-22 were rejected as anticipated by U.S. Patent No. 5,401,133 by Kuchler under 35 U.S.C. 102(b).

Applicant notes with appreciation the Examiner's indication that claims 4-6, 9, 14-16 contain allowable subject matter. Accordingly, claim 4 has been rewritten as new independent claim 31, and claim 4 has been canceled. The dependency of each of claims 5 and 6 has been changed to reflect that each now depends from claim 31. Likewise, claim 9 has been rewritten as new independent claim 32, and claim 9 has been canceled.

Turning to the substantive rejection of the various claims over the cited references, as noted above, Applicant respectfully disagrees with the

Examiner's rejection of claims 1, 7, 10, 11, 17, 20 and 21 as being anticipated by McKinlay '524. McKinlay does not disclose a security device with a cavity to receive a bolt or nut wherein the cavity has a depth of at least the selected thickness of the nut or bolt head, as cited in independent claims 1, 11 and 21 of the present application. McKinlay '524 discloses a wedge lock fastener comprising a nut having a peripheral flange and a washer adjacent to the flange having tabs which extend around the flange. As can be seen from the drawings of the nut and the associated wrench, the flange does not extend to, or beyond, the thickness of the nut, which would be necessary for the rejection, and so the Applicant feels that that the rejection is not valid.

Applicant also respectfully disagrees with the Examiner's rejection of claims 1-3, 7, 10-13, 17 and 20 as being anticipated by Swertz '702. While Swertz '702 does disclose a body having a cavity to receive the nut with the body having an upwardly extending and outwardly tapering frusto-conical outer surface, the angle is a large acute angle relative to the base. Moreover, Swertz does not teach a radially extending flange defining a bolt hole that is coaxial with the cavity and adapted to receive the shaft of a bolt as cited in independent claims 1, 11 and 21 of the present application. Rather, In Swertz '702, the sleeve-like body acts only to prevent one from gaining a purchase on the nut in order to remove it since the sleeve rotates about the specialty nut. In the present application the body portion acts as a washer to distribute the clamping force. In addition, claim 7 of the present application cites a nut portion attached to the body portion; this also is not disclosed in Swertz '702.

Claims 1, 7, 8, 11, 17 and 18 were rejected by the examiner as being anticipated by Hirsch '614. Independent claims 1 and 11 have been amended

to include a body portion with a frusto-conical outer surface extending from the base at an acute angle (and, accordingly, dependent claims 2 and 12 have been canceled). Hirsch '614 discloses that the outer portion of the tamper resistant threaded fastener is a cylindrical collar which extends circumferentially about the flange and, hence, is not a frusto-conical surface extending from the base at an acute angle. With the stated claim amendments the Applicant feels that there is no clear anticipation of the present invention by Hirsch '614.

Claims 1-3, 10-13 and 20-22 were also rejected by the Examiner as being anticipated by Kuchler '133. As stated above, independent claims 1 and 11 have been amended to include a body portion with a frusto-conical outer surface extending from the base at an acute angle. Kuchler '133 discloses a security washer with a smooth, generally convex outer surface. *See, Col. 3., lines 30-32.* A frusto-conical surface has a linear profile which is not of a generally convex shape. The purpose in the present application for the frusto-conical shape is to best prevent the use of a wrench, pliers, or the like from gaining a purchase on the outer surface of the body portion in order to rotate it. A convex profile has a greater surface slope at the base which will allow such an unauthorized removal of the security washer. Moreover, a rejection of claim 11 as anticipated by Kuchler is inappropriate because Kuchler does not teach the use of a nut and bolt combination; rather, Kuchler is directed to a bolt that mounts in paneling.

Applicant also respectfully disagrees that claims 21 and 22 are anticipated by Kuchler '133. Claim 21 of the present application discloses a specialty wrench including a socket portion with an inner socket cavity formed

of a plurality of longitudinal surfaces or grooves shaped to engage the nut or bolt head. Kuchler '133 discloses a tool having a cavity with an internal shape corresponding to the shape of the peripheral edge portion of the security fastener which is disclosed as being a smooth, generally oblong shape. With the stated claim amendments and arguments provided the Applicant feels that there is no clear anticipation of the present invention by Kuchler '133.

In summary, claims 1 and 11 have been amended to include a frusto-conical outer surface to the body portion which extends from the base at an acute angle. This feature was described in dependent claims 2 and 12 and so they have been canceled. Claim 3 has been amended to now be dependent on claim 1 and claim 13 has been amended to be dependent on claim 11. A new independent claim 31 has been written which includes the features of dependent claim 4 and dependent claim 4 has been canceled. Claims 5 and 6 have been amended to be dependent claims of independent claim 31. A new independent claim 32 has been written which includes the features of dependent claim 9 and dependent claim 9 has been cancelled.

Due to this Amendment, a new filing fee calculation is provided, as follows:

Maximum Total Claims This Amendment	Total Claims Previously Paid For	
29 -	30	= 0 x \$ 25.00 = \$0
Total Independent Claims Per This Amendment	Maximum Independent Claims Previously Paid For	
7 -	5	= 2 x \$100.00 = \$200.00
	Additional Filing Fee Due	\$200.00

Accordingly, our check no. 18867 in the amount of \$200.00 is enclosed. The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 13-1940.

Based on the foregoing, Applicant submit that the present application is in complete condition for allowance, and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.

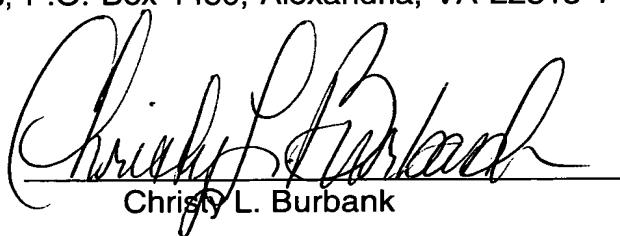
Respectfully submitted,

TIMOTHY J. MARTIN, P.C.

By: 
Timothy J. Martin, #28/640
Michael R. Henson, #39,222
Rebecca A. Gegick, #51,724
9250 West 5th Avenue, Suite 200
Lakewood, Colorado 80226
(303) 232-3388

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing **AMENDMENT (15 pages), CHECK NO. 18867 IN THE AMOUNT OF \$200.00, REQUEST FOR A TWO-MONTH EXTENSION OF TIME (2 pages) AND CHECK NO. 18868 IN THE AMOUNT OF \$225.00** is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of June, 2005.



Christy L. Burbank